

ROGER P. CARDIN, )  
)  
Plaintiff )  
)  
v. ) No. 3:05-cv-469  
)  
JO ANNE B. BARNHART, )  
Commissioner of Social Security, )  
)  
Defendant )

This matter was referred to a United States magistrate judge of this district pursuant to 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure, for a report and recommendation regarding disposition of plaintiff's motion for summary judgment [Court File #12] and defendant's motion for summary judgment [Court File #14]. In a report and recommendation dated July 17, 2006, the United States magistrate judge recommended that the plaintiff's motion be denied and the defendant's motion be granted. Plaintiff has filed a timely objection to the report and recommendation.

Case 3:05-cv-00469 Document 18 Filed 09/13/06 Page 1 of 2 PageID #: 10

record to support the conclusion of the administrative law judge (ALJ) that the opinion of plaintiff's treating psychiatrist, Dr. Smith, was not fully supported by objective clinical evidence. In addition, the ALJ's conclusion is supported by accounts of plaintiff's daily activities noting that plaintiff walks, drives a car, prepares meals, shops, cares for his household and personal needs, watches television, and visits with friends. Finally, Dr. Smith's own treatment notes belie the conclusion of complete disability in that Dr. Smith notes that medication "appears to be helping [plaintiff's] mood considerably," that plaintiff's anxiety was somewhat decreased, and that he observed that plaintiff appeared rather anxious at times but was alert and pleasant with euthymic mood. Under the circumstances, the ALJ's determination that the plaintiff was not prevented from performing his past relevant work is supported by substantial evidence in the record.

In light of the foregoing, the report and recommendation of the United States magistrate judge [Court File #16] is hereby ACCEPTED. Plaintiff's motion for summary judgment [Court File #12] is DENIED; defendant's motion for summary judgment [Court File #14] is GRANTED; and the final decision of the defendant Commissioner is AFFIRMED.

**ENTER :**

**s/ James H. Jarvis**  
UNITED STATES DISTRICT JUDGE